THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.20392 OF 2005

Dated 16-09-2005

Between:

P.Rambabu, s/o.Sri P.Guru Lingacharyulu,

Aged 40 years, Occ: Junior Attendant,

Oil and Natural Gas Corporation Ltd.,

Krishna Godavari Project, Rajahmundry.

…Petitioner

And

Oil and Natural Gas Corporation Ltd.,

Rep. by its Chairman cum Managing Director, Tel Bhavan,

Dehradun and others

…Respondents

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JUDGMENT:

The petitioner is an employee with the Oil and Natural Gas Corporation Limited. Disciplinary proceedings were initiated against him, by issuing a charge sheet, dated 28-03-2003. It was followed by another charge-sheet, dated 09-03-2004. An Enquiry Officer was appointed, and a report has since been submitted on 15-04-2005. The petitioner submits that, on the basis of the same facts contained in the charge-sheet, criminal proceedings were initiated against him, and that the same was ended in acquittal. He contends that, with the acquittal in the criminal case, nothing remains to be proceeded against him. He also points out that the respondents did not pay the subsistence allowance for the last so many months, and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner challenges the very charge memos, on the basis of which, disciplinary proceedings were initiated. Whatever may be the strength of the contention of the petitioner, as regards the similarity of allegations, in the first charge sheet, and the criminal case; the same does not hold good, *vis-à-vis* the second charge sheet. Further, the Enquiry Officer has already submitted the report. At this stage, the proceedings cannot be terminated by this Court, on the sole ground that the petitioner was acquitted in the criminal case. So far as the grievance of the petitioner as regards the non-payment of subsistence allowance is concerned, he has already made representation, and that the same deserves to be considered by the respondents.

Therefore, the writ petition is disposed of, directing that the respondents shall conclude the disciplinary proceedings against the petitioner, within three months, from the date of receipt of a copy of this order. They shall also pass appropriate orders on the representation made by the petitioner, as to the payment of subsistence allowance, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.16-09-2005.

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